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86TH CONGRESS
1ST SESSION

H. R. 5178

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1959

Mr. MORRISON introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To provide for health and medical services for civilian employees in Government service overseas and their dependents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Overseas
5 Employees Health and Medical Services Act".

6 PURPOSE

7 SEC. 2. The Congress hereby declares that it is the pur-
8 pose of this Act to provide, to the extent feasible, a uniform
9 program of health and medical services for overseas em-

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1 ployees and their dependents for the protection of the health
2 of such employees and dependents in order to--

3 (1) improve and strengthen the administration of
4 activities of the Government in overseas areas,

5 (2) reduce absenteeism and increase the effective-
6 ness of performance of duty by overseas employees,

7 (3) reduce Government expenses by lessening the
8 necessity for the return of overseas employees to the
9 continental United States on account of the impairment
10 of their health or that of their dependents,

11 (4) facilitate for the Government the recruitment
12 and retention of the best qualified personnel for civilian
13 service in overseas areas, and

14 (5) protect overseas employees from excessive
15 medical expenses.

16 DEFINITIONS

17 SEC. 3. As used in this Act, the term--

18 (1) "Government" means the Government of the
19 United States of America;

20 (2) "agency" means (A) each department,
21 agency, or establishment in or under the executive or
22 judicial branch of the Government, including each cor-
23 poration owned or controlled by the Government, and

24 (B) the General Accounting Office;

25 (3) "continental United States" means the several

1 States of the United States of America, excluding Alaska
2 but including the District of Columbia;

3 (4) "overseas area" means any area situated out-
4 side the continental United States, including the Trust
5 Territory of the Pacific Islands, but excluding Alaska,
6 Hawaii, the Commonwealth of Puerto Rico, the Canal
7 Zone, and the possessions of the United States except
8 to the extent that the President may designate by reg-
9 ulation all or any part of such excluded places as an
10 "overseas area" for the purposes of this Act by reason
11 of adverse health conditions or inadequacy or unavail-
12 ability of non-Government health and medical services
13 or facilities;

14 (5) "employee" means (A) a civilian officer or
15 employee of an agency who is a citizen of the United
16 States of America, except a member of one of the "uni-
17 formed services" as defined in section 1072 of title 10
18 of the United States Code, and (B) any other civilian
19 officer or employee of an agency who is not a citizen
20 of the United States of America but is designated by
21 or pursuant to regulation of the President as an "em-
22 ployee" for the purposes of this Act;

23 (6) "overseas employee" means an employee in an
24 overseas area, whether on a temporary or permanent
25 assignment or in a travel status;

1 (7) "dependent" means—

2 (A) any person who bears to an employee, or
3 to an applicant for Government civilian employment
4 for purposes of sections 4 and 11 only, the re-
5 lationship of—

6 (i) lawful wife;

7 (ii) lawful husband who in fact is depend-
8 ent on such employee or applicant for over one-
9 half of his support;

10 (iii) child (including ward, stepchild, and
11 adopted child) of such employee or applicant or
12 of the spouse of such employee or applicant who
13 is unmarried and under twenty-one years of age,
14 or who is physically or mentally incapable of
15 self-support regardless of age, or who is not
16 more than twenty-three years of age, is enrolled
17 in a full-time course of study in an institution of
18 higher learning situated in an overseas area, and
19 in fact is dependent on such employee for over
20 one-half of his or her support;

21 (iv) parent of such employee or applicant
22 or of the spouse of such employee or applicant,
23 who in fact is dependent on such employee or
24 applicant for over one-half of his or her support;

25 or

1 (v) brother or sister (including step-
2 brother, stepsister, adoptive brother, and adop-
3 tive sister) of such employee or applicant or
4 of the spouse of such employee or applicant,
5 who in fact is dependent on such employee or
6 applicant for over one-half of his or her sup-
7 port and who is unmarried and under twenty-
8 one years of age or is physically or mentally
9 incapable of self-support regardless of age; and
10 (B) any other person defined as a "dependent"
11 in the travel regulations of the Department of State;
12 (8) "out-patient care" means medical, surgical,
13 dental, and other health services, including but not
14 limited to complete obstetrical and maternity services,
15 prenatal and postnatal care, infant care, diagnostic tests
16 and procedures, and laboratory and X-ray examina-
17 tions, the rendition of which is deemed not to require
18 admission of the patient to a hospital; and
19 (9) "in-patient hospital care" means medical, sur-
20 gical, dental, and other health services, including but
21 not limited to complete obstetrical and maternity serv-
22 ices, prenatal and postnatal care, infant care, diagnostic
23 tests and procedures, and laboratory and X-ray exami-
24 nations, the rendition of which is deemed to require ad-
25 mission of the patient to a hospital. The term "in-pa-

1 tient hospital care" also includes the furnishing of quar-
2 ters and subsistence.

3 PHYSICAL EXAMINATIONS

4 SEC. 4. In accordance with such standards and regu-
5 lations as the President may prescribe, the head of each
6 agency is authorized to provide without charge, or pay
7 the expenses of, physical examinations, at such times and
8 places as may be deemed appropriate, for employees, appli-
9 cants for employment, and their dependents, in connection
10 with Government civilian employment of such applicants
11 and employees in overseas areas or in areas other than
12 overseas areas but outside the continental United States.

13 IMMUNIZATION SERVICES

14 SEC. 5. In accordance with such standards and regula-
15 tions as the President may prescribe, the head of each agency
16 is authorized to provide without charge, or pay the expenses
17 of, such inoculations and vaccinations of employees and
18 dependents being sent to or located in overseas areas or areas
19 other than overseas areas but outside the continental United
20 States, as may be deemed necessary to protect the health
21 of such employees and dependents.

22 MEDICAL TRAVEL

23 SEC. 6. (a) If, in the judgment of the head of any
24 agency concerned, the medical facilities at any place in an
25 overseas area are unsuitable for the rendition of in-patient

1 hospital care, or of out-patient care deemed necessary to
2 relieve pain or suffering or protect health, to any overseas
3 employee, or to any dependent of such overseas employee,
4 at any such place, such agency head is authorized—

5 (1) to provide or pay for the travel of such over-
6 seas employee or dependent in need of such care to the
7 nearest locality, within or outside such overseas area,
8 where suitable medical care may be obtained for such
9 overseas employee or dependent, and

10 (2) upon the recovery of such overseas employee or
11 dependent, or under such other circumstances as may be
12 deemed appropriate, to provide or pay for the travel of
13 such overseas employee or dependent from such locality
14 to a post of duty or to such other place as may be deemed
15 appropriate under the circumstances of the case.

16 Such agency head is further authorized to pay the compensa-
17 tion, and provide or pay for the travel, of an attendant or
18 attendants for any such overseas employee or dependent
19 who is unable to travel unattended.

20 (b) Travel authorized by this section may be effected by
21 such means and on such basis (actual expense or commuted)
22 as such agency head deems appropriate and without regard
23 to—

24 (1) the Standardized Government Travel Regula-
25 tions,

1 (2) section 10 of the Act of March 3, 1933, as
2 amended (60 Stat. 808; 5 U.S.C. 73b),
3 (3) the rates of per diem in lieu of subsistence
4 prescribed by the Travel Expense Act of 1949, as
5 amended (5 U.S.C. 835-842),
6 (4) section 3648 of the Revised Statutes (31
7 U.S.C. 529), and
8 (5) section 901 (a) of the Merchant Marine Act,
9 1936, as amended (46 U.S.C. 1241 (a)).

10 OUT-PATIENT CARE

11 SEC. 7. (a) The head of each agency concerned is
12 authorized to provide or pay the expenses of necessary out-
13 patient care for each overseas employee, and for each de-
14 pendent of such overseas employee in an overseas area by
15 reason of the service of such overseas employee, by any of
16 the following methods which such agency head deems
17 advisable:

18 (1) through facilities of his agency,
19 (2) through agreements or arrangements between
20 his agency and any other agency or agencies,
21 (3) through cooperative arrangements with foreign
22 governments,
23 (4) by purchase on a fee or contract basis without
24 regard to section 3709 of the Revised Statutes (41
25 U.S.C. 5), or

1 (5) by any other appropriate means.

2 (b) Each such agency head is authorized to provide or
3 pay the expenses of out-patient care under this section—

4 (1) for any overseas employee, without cost to such
5 employee, and

6 (2) for any dependent, at such charges to the
7 dependent as may be prescribed from time to time by
8 the President.

9 (c) All sums received by the Government in payment
10 of such charges for out-patient care for dependents under
11 this section shall be deposited to the credit of the appro-
12 priation or fund supporting the facility or program furnish-
13 ing such out-patient care.

14 (d) In accordance with such regulations as the Presi-
15 dent may prescribe, the head of each agency is authorized
16 to provide or pay the expenses of necessary out-patient care
17 under this section for an employee or dependent, after return
18 of such employee or dependent from an overseas area, for
19 any illness, injury, or other condition for which care or treat-
20 ment shall have been authorized under section 8 of this Act.

21 IN-PATIENT HOSPITAL CARE

22 SEC. 8. (a) The head of each agency concerned is
23 authorized to provide necessary in-patient hospital care, or
24 comparable treatment without admission of the patient to

1 a hospital, for each overseas employee, and for each depend-
2 ent of such overseas employee in an overseas area by reason
3 of the service of such overseas employee, by any of the
4 following methods which such agency head deems advisable:

5 (1) through facilities of his agency,

6 (2) through agreements or arrangements between
7 his agency and any other agency or agencies,

8 (3) through cooperative arrangements with foreign
9 governments,

10 (4) by purchase on a contract basis without regard
11 to section 3709 of the Revised Statutes (41 U.S.C. 5),
12 or

13 (5) by any other appropriate means.

14 (b) The payment for the cost of such in-patient hos-
15 pital care or comparable treatment, for any illness, injury,
16 or other condition which is not the result of the patient's
17 vicious habits, intemperance, or misconduct shall be as
18 follows:

19 (1) For each overseas employee, the head of the
20 agency is authorized to pay in full the cost of necessary
21 care or treatment.

22 (2) For each dependent, the head of the agency is
23 authorized to pay that portion of such cost which ex-
24 ceeds the amount of the charges to be paid by the

1 dependent. The amount of the charges to be paid by
2 the dependent shall be determined as follows:

3 (A) in a Government hospital or clinic, at a
4 fixed daily rate to be prescribed by the President,

5 (B) in a private hospital, for each admission,

6 (i) the amount of the actual charges up to \$25.00
7 or (ii) an aggregate amount equal to the daily
8 rate prescribed by the President under subpara-
9 graph (A) multiplied by a number equal to the
10 number of days hospitalized, whichever amount is
11 greater,

12 (C) if treatment comparable to in-patient hos-
13 pital care is provided without admission of the
14 patient to a hospital, for each illness, injury, or other
15 condition, (i) the amount of the actual charges up
16 to \$25.00 or (ii) an aggregate amount equal to the
17 daily rate prescribed by the President under subpara-
18 graph (A) multiplied by a number equal to the
19 number of days of such treatment, whichever
20 amount is greater.

21 (c) Payment for the cost of such in-patient hospital care
22 or comparable treatment for any illness, injury, or other con-
23 dition which is the result of vicious habits, intemperance, or
24 misconduct shall be at such charges as the President may de-

1 termine from time to time but not less than the actual cost
2 to the Government for providing such care or treatment.

3 (d) In accordance with such regulations as the Presi-
4 dent may prescribe, the head of each agency is authorized to
5 provide or pay the expenses of care or treatment under this
6 section, after the return from an overseas area of the em-
7 ployee or dependent concerned, for any illness, injury, or
8 other condition which, in the determination of such agency
9 head, was incurred in an overseas area.

10 (e) In-patient hospital care provided under this section
11 shall be limited to a period of not to exceed one hundred
12 and twenty days for each admission. This limit shall not
13 apply whenever the head of the agency concerned determines
14 that the illness, injury, or other condition in the particular
15 case clearly is caused by the fact that the individual con-
16 cerned is or has been located in an overseas area.

17 (f) For the purpose of payment of charges of private
18 hospitals for in-patient hospital care in such hospitals and
19 of charges for comparable treatment furnished without ad-
20 mission of the patient to a hospital, the President is author-
21 ized to provide by regulation for the advancement of funds
22 to an overseas employee for such care or treatment for such
23 employee and his dependents to the extent of the estimated
24 cost of such care or treatment without regard to the pro-
25 visions of section 3648 of the Revised Statutes (31 U.S.C.

1 529). The employee shall refund to the agency any amount
2 in excess of the actual charges of such care or treatment
3 immediately after payment of such charges. Any such
4 amount not so refunded shall be recoverable by the Govern-
5 ment in the manner provided by section 9 (c) of this Act.

6 (g) All sums received by the Government in payment
7 of charges for in-patient hospital care and comparable treat-
8 ment furnished to an employee or a dependent under this
9 section shall be deposited to the credit of the appropriation
10 or fund supporting the facility or program providing such
11 care and treatment.

12 EMPLOYEES AND DEPENDENTS LIABILITY FOR PAYMENT OF
13 CHARGES FOR CARE AND TREATMENT

14 SEC. 9. (a) Each overseas employee and each of his
15 dependents concerned shall be jointly and severally obli-
16 gated to repay to the Government the full amount of the
17 charges to be paid by the dependent for out-patient care,
18 in-patient hospital care, and comparable treatment furnished
19 to such dependent under sections 7 and 8 of this Act.

20 (b) Each overseas employee concerned shall be obli-
21 gated to repay to the Government the full amount of the
22 charges to such overseas employee for in-patient hospital
23 care or comparable treatment furnished to such employee
24 under section 8 (c) of this Act.

1 (c) The amount of any such obligation referred to in
2 subsection (a) or (b) of this section and the amounts of any
3 refunds referred to in section 8 (f) shall be recoverable by
4 the Government (1) by setoff against accrued salary, pay,
5 compensation, amount of retirement credit, or other amount
6 due from the Government to such employee or dependent
7 (with respect to the obligation referred to in subsection (a))
8 or to such employee (with respect to the obligation referred
9 to in subsection (b) and the amounts of any refunds referred
10 to in section 8 (f)), as the case may be, and (2) by such
11 other method as may be provided by law for the recovery
12 of amounts owing to the Government.

13 (d) The head of each agency concerned is authorized,
14 in accordance with regulations prescribed by the President,
15 to waive any right of the Government to recover the amount
16 of any obligation referred to in this section, if it is shown
17 that such recovery would be against equity and good con-
18 science.

19 MEDICAL FACILITIES

20 SEC. 10. In accordance with such standards and regula-
21 tions as the President may prescribe, the head of each agency
22 is authorized to establish first-aid stations, clinics, or dis-
23 pensaries, and to provide the services of physicians and other
24 medical personnel, at any posts in overseas areas, if in his

1 judgment, (1) there are sufficient personnel at such posts
2 to warrant such actions, (2) the local facilities are inade-
3 quate to meet the health and medical needs of overseas em-
4 ployees and their dependents at such posts, and (3) there
5 are no adequate facilities maintained at such posts by any
6 other agency.

7 UTILIZATION OF MEDICAL SERVICES AND FACILITIES

8 SEC. 11. (a) The Department of Defense and each
9 other agency which operates facilities for medical care in
10 overseas areas are authorized to provide, in accordance with
11 the provisions of this Act, physical examinations (including
12 physical examinations for applicants for Government civilian
13 employment and their dependents), immunization services,
14 out-patient care, and in-patient hospital care (or comparable
15 treatment), for its overseas employees and their dependents
16 and the overseas employees of other agencies and their de-
17 pendents, subject to the availability of space, facilities, and
18 capabilities of the medical staff.

19 (b) The Department of State is authorized, in accord-
20 ance with the provisions of this Act, to make available to
21 other agencies, upon request of such agencies, the services
22 of the Foreign Service medical program including but not
23 limited to physical examinations (including physical exami-
24 nations for applicants for Government civilian employment

1 and their dependents), immunization services, medical
2 travel, out-patient care, in-patient hospital care (or com-
3 parable treatment), and other health services.

4 (c) The amounts expended by agencies in providing
5 care, treatment, or services under subsections (a) and (b)
6 of this section, less any amounts paid to such agencies by
7 employees or dependents, shall be paid or reimbursed by
8 the requesting agencies at such rates as the President may
9 prescribe. Amounts so paid or reimbursed shall be deposited
10 to the credit of the appropriation or fund supporting the
11 Government medical facility or program furnishing the care,
12 treatment, or services.

13

ADMINISTRATION

14 SEC. 12. (a) The President shall coordinate the pro-
15 grams and activities of the respective agencies under this
16 Act.

17 (b) The President is authorized to promulgate such
18 standards and regulations as may be necessary and proper
19 to carry out the purposes of this Act.

20 (c) The President is authorized to delegate any au-
21 thority vested in him by this Act and to provide for the
22 redelegation of any such authority.

23

OVERSEAS EMPLOYEES MEDICAL ADVISORY BOARD

24

SEC. 13. (a) In order to facilitate the accomplishment
25 of the purposes of this Act and the coordination of the pro-

1 grams and activities of the respective agencies under this
2 Act, the President is authorized to establish an Overseas
3 Employees Medical Advisory Board to advise, consult with,
4 and make recommendations to such authority or authorities
5 as the President may designate, with respect to such pur-
6 poses, programs, and activities and to perform such other
7 related advisory functions for the purposes of this Act as the
8 President may prescribe.

9 (b) The Board shall consist of such number of mem-
10 bers as the President may determine, to be appointed by or
11 under authority of the President from among the officials
12 and other personnel of such agencies as may be designated
13 by or under authority of the President. The President shall
14 designate, or provide for the selection of, one of the members
15 of the Board as Chairman of the Board. The Chairman and
16 the other members of the Board shall serve as such without
17 any compensation in addition to the compensation to which
18 they may be entitled for other services performed by them
19 for the Government; but they shall be entitled to travel and
20 per diem in lieu of subsistence, in accordance with the Travel
21 Expense Act of 1949, as amended (5 U.S.C. 835-842),
22 and the Standardized Government Travel Regulations, in
23 the performance of their duties as Chairman and members of
24 the Board.

25 (c) The head of each agency represented on the Board

1 is authorized to make available to the Board, from time to
2 time, such personnel of his agency as may be necessary to
3 assist the Board in carrying out its functions. Such person-
4 nel shall not be entitled to receive, for services performed
5 by them for the Board, any compensation other than the
6 compensation to which they may be entitled for other serv-
7 ices performed by them for the Government, except that
8 such personnel shall be entitled to—

9 (1) overtime pay, night differential, and holiday
10 pay, for services performed by them for the Board to
11 the extent that they would be entitled to any such pay
12 or differential if such services were performed by them
13 in the discharge of their other duties for the Govern-
14 ment and

15 (2) travel and per diem in lieu of subsistence, in
16 accordance with the Travel Expense Act of 1949, as
17 amended, and the Standardized Government Travel
18 Regulations, in the necessary performance of their duties
19 for the Board.

20 (d) Service performed for the Board by personnel made
21 available to the Board under subsection (c) of this section
22 shall be held and considered to be service performed by such
23 personnel in their other employment with the Federal Gov-
24 ernment, for the purposes of—

over

1 (1) the Federal Employees' Group Life Insurance
2 Act of 1954, as amended (5 U.S.C. 2091-2103),

3 (2) the Federal Employees' Compensation Act, as
4 amended (5 U.S.C. 751 and the following),

5 (3) the Civil Service Retirement Act, as amended
6 (5 U.S.C. 2251-2267),

7 (4) annual and sick leave, and

8 (5) any other employment benefits related to the
9 service performed by such personnel in their other em-
10 ployment with the Federal Government.

11 OVERSEAS MEDICAL BENEFITS FOR OTHER GOVERNMENT
12 PERSONNEL

13 SEC. 14. In accordance with regulations prescribed by
14 the President, the head of each agency is authorized to make
15 available, upon appropriate request, such of the benefits,
16 services, and facilities provided by this Act as may be
17 necessary—

18 (1) for those officials and other personnel of the
19 Government (A) who are not within the purview of
20 paragraph (5) or (6) of section 3 of this Act and
21 (B) who, by virtue of their respective temporary or
22 permanent assignments or their respective travel sta-
23 tuses, are in any overseas area or an area other than an
24 overseas area but outside the continental United States,
25 and

1 (2) for any person (A) who bears to any such
2 official or other personnel member one of the depend-
3 ency relationships specified in paragraph (7) of sec-
4 tion 3 of this Act and (B) who, by reason of the service
5 of such official or personnel member, is in an overseas
6 area or an area other than an overseas area but outside
7 the continental United States.

8 Such benefit, services, and facilities may be made available
9 in accordance with those provisions of this Act (including
10 provisions relating to payment and reimbursement) as may
11 be deemed to be applicable under the circumstances of the
12 particular case or on such other basis as may be deemed
13 advisable or appropriate.

14 CHANGES IN EXISTING LAW

15 SEC. 15. (a) The following provisions of law are hereby
16 repealed:

17 (1) Sections 941 and 942 of the Foreign Service
18 Act of 1946, as amended (22 U.S.C. 1156 and 1157);

19 (2) Section 4 (a) (5) of the Central Intelligence
20 Agency Act of 1949 (63 Stat. 210, 72 Stat. 337; 50
21 U.S.C. 403e (a) (5));

22 (3) Section 106 of the Civil Functions Appropria-
23 tions Act, 1954 (67 Stat. 202; Public Law 153, Eighty-
24 third Congress) ;

25 (4) Subparagraph (a) of the Act entitled "An

1 Act to provide basic authority for the performance of
2 certain functions and activities of the Department of
3 Commerce, and for other purposes", approved October
4 25, 1949 (63 Stat. 907; Public Law 390, Eighty-first
5 Congress; 5 U.S.C. 596a) ; and

6 (5) That part of the first sentence of section 4 of
7 the Act entitled "An Act to provide for the expansion
8 of facilities for hospitalization of departments of naval
9 and Marine Corps personnel, and for other purposes",
10 approved May 10, 1943 (57 Stat. 81; 24 U.S.C. 34),
11 which reads: " , to the officers and employees of any
12 department or agency of the Federal Government,".

13 (b) Section 943 of the Foreign Service Act of 1946, as
14 amended (22 U.S.C. 1158), is amended to read as follows:

15 "PHYSICAL EXAMINATIONS

16 "SEC. 943. The Secretary shall, under such regulations
17 as he may prescribe, provide for such physical examinations
18 as may be necessary to establish disability or incapacity in
19 accordance with the provisions of section 831."

20 (e) Subject to section 16 of this Act, all provisions of
21 law not repealed or amended by subsection (a) or (b) of
22 this section but inconsistent with any other provision of this
23 Act shall be held and considered to be amended, modified, or
24 superseded to the extent necessary to carry out the purposes
25 of and conform to such other provision of this Act.

1 PRESERVATION OF CERTAIN EXISTING AUTHORITY AND
2 BENEFITS

3 SEC. 16. Nothing contained in this Act shall be held or
4 considered—

5 (1) to affect the authority and responsibility of the
6 Secretary of Labor under the Federal Employees' Com-
7 pensation Act, as amended (5 U.S.C. 751 and the fol-
8 lowing),

9 (2) to deprive any employee or dependent of any
10 benefits provided under the Federal Employees' Com-
11 pensation Act or under the Act entitled "An Act to
12 provide for health programs for Government em-
13 ployees", approved August 8, 1946 (5 U.S.C. 150),
14 or

15 (3) to affect the authority of the United States
16 Civil Service Commission under the Civil Service Act
17 of January 16, 1883, or any other law, to determine
18 physical standards with respect to positions in the
19 competitive service.

20 AUTHORIZATION OF APPROPRIATIONS

21 SEC. 17. There are hereby authorized to be appropriated
22 such sums as may be necessary to carry out the provisions
23 of this Act.

23

1 EFFECTIVE DATE

2 SEC. 18. The foregoing provisions of this Act shall be-
3 come effective on the one hundred and twentieth day follow-
4 ing the date of its enactment.

86TH CONGRESS
1ST SESSION

H. R. 5178

A BILL

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By Mr. MORRISON

MARCH 3, 1959

Referred to the Committee on Post Office and Civil
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